

4659
1 BILL NO. G-79-10-11

2 GENERAL ORDINANCE NO. G- 23-79

3 AN ORDINANCE amending General Ordinance
4 No. G-66-66 heretofore adopted on June
5 14, 1966, by adding M-3 Zoning District
6 to Fire Zone No. 2.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That sub-section 116.2 "Fire Zone No. 2" of General
10 Ordinance No. G-66-66 heretofore adopted on June 14, 1966, is amended to
11 be and read:

12 The Secondary Fire Zone of the City shall be all that
13 territory in the area which is, or will be zoned, as
14 "B-1, B-2, B-3B, B-4, M-1, M-2, M-3, 1A and R-3."

15 SECTION 2. That this Ordinance shall be in full force and effect
16 upon passage, approval by the Mayor and due legal publication thereof.

17 
18 Councilman

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31 APPROVED AS TO
32 FORM & LEGALITY


William N. Salin, City Attorney

Read the first time in full and on motion by Nuckols, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 10-9-79

Charles W. Whitman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by J. Schmidt, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10-23-79

Charles W. Whitman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE
(~~RESOLUTION~~) No. 12-23-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)

Charles W. Whitman
CITY CLERK

Winifred C. Moore Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of October, 1979, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Whitman
CITY CLERK

Approved and signed by me this 29th day of October, 1979, at the hour of 9 o'clock _____ M., E.S.T.

Robert E. Armstrong
MAYOR

G-79-10-11

Bill No. _____

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-66-66 heretofore adopted on June
14, 1966, by adding M-3 Zoning District to Fire Zone No. 2

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

10-23-79 CONCURRED IN
DATE _____ CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

fire department

July 27, 1979

Mr. William Salin
City Attorney
2120 Fort Wayne National Bank Bldg.
Fort Wayne, IN 46802

Dear Mr. Salin:

An apparent oversight or clerical error was made when the City Council passed an ordinance in 1969 that established fire districts via zoning. It is important that an ordinance be prepared to include the M-3 Zone into Fire District 2. Zones M-1 and M-2 were specifically assigned to Fire District 2.

The U.B.C. 1976 Edition requires that the City Council makes the determination stated in Part IV, REQUIREMENTS BASED ON LOCATION IN FIRE ZONES, Chapter 16, Restrictions in Fire Zones, as follows:

General

Sec. 1601. (a) Fire Zones Defined.

For the purpose of this Code, the entire city is hereby declared to be and is hereby established a Fire District and said Fire District shall be known and designated as Fire Zones No. 1, No. 2 and No. 3, and shall include such territory or portions of said City as outlined in an ordinance of said City, entitled: An Ordinance Creating and Establishing Fire Zones." Whenever in this Code reference is made to any fire zone, it shall be construed to mean one of the fire zones created by said ordinance.

We respectfully request that the City Attorney should establish whether the Building Code passed in 1974, that repealed certain local ordinances did or did not specifically repeal the ordinance passed in 1969. Attached is a copy of Fire Limits: Fire Districts.

*OK to insert M-3
as requested.
KLS
8/9/79*

Mr. William Salin

Page 2

July 27, 1979

If you require any additional information, please feel free to contact this office at 423-7618.

Yours truly,

Ronald B. Walden
Ronald B. Walden, Chief
Fire Prevention

RBW:jhg
Encs.

able on the basis of Approved Alternates or of recommendations submitted to or initiated by the Board.

- 15.4 Necessity of Meetings - The Board shall meet promptly to consider any appeal for Technical Variance, and shall meet at a regular time and place and at not greater than three-month intervals to consider other matters.
- 15.5 Quorum and Voting - A majority of the Board shall constitute a quorum. No members of the Board shall vote on any question in which he has a personal interest or a direct or close financial interest and it shall be the duty of each Board Member to disqualify himself on such a question. It shall be the further duty of each Board Member to inquire as to the personal or financial interest of any other Board Member with respect to any question before the Board.
- 15.6 Recorder - A member of the staff of the Building Commissioner shall act as recorder for all proceedings of Board meetings, and such person shall be entitled to supplementary compensation for such duties.

Fire Limits: Fire Districts

or the purpose of these rules and regulations, there is hereby declared to be and is hereby established a Fire District, and said Fire District shall contain Fire Zone 1 (Primary Fire Zone), Fire Zone 2 (Secondary Fire Zone), and Fire Zone 3.

Classification of all buildings by types of structures and general requirements are as utilized and defined in the "Building Rules and Regulations" of the Administrative Council of Indiana.

Restrictions for buildings located in more than one Fire Zone, moved buildings, and temporary buildings, are as outlined and defined in the "Building Rules and Regulations" of the Administrative Building Council of Indiana.

- 16.1 Fire Zone 1 - The Primary Fire Zone of the City shall be all that territory in the area which is, or will be zoned, as "B-3A".
- 116.1.1 General - Buildings or structures hereafter erected, constructed, moved within or into Primary Fire Zone shall be only of Type I, II or limited Type III construction.
- 116.1.2 Limitation of Types of Construction - Type III - Buildings or structures of Type III construction hereafter erected shall have all walls and partitions and floor over usable spaces of not less than one hour fire resistive construction.
- 116.1.3 Openings - All openings in exterior walls within twenty (20) feet of adjacent property line or other buildings on the same property or within fifty (50) feet of the opposite side of the street or public place or in courts which are less than twenty (20) feet in the least dimension, shall be provided with doors or windows of one hour fire resistive construction.
- 116.1.4 Alterations - Any building or structure which is enlarged, altered, raised, repaired or built upon to an extent exceeding an expenditure within any five year period of twenty percent (20%) of the value of the building or structure shall be made to comply with all the requirements of a new building or structure erected in the Primary Fire Zone.

permitted in the Primary Fire Zone.

3 Fire Zone 2 - The Secondary Fire Zone of the City shall be all that territory in the area which is, or will be zoned, as "B-1, B-2, B-38, B-4, M-1, M-2, 1A and R-3.

116.2.1 General - Buildings or structures hereafter erected, constructed, moved within or into the Secondary Fire Zone shall be of Type I, II, III or limited Type IV or limited Type V construction, except that these restrictions do not apply to family dwellings or multiple family dwellings located in the area zoned R-3.

116.2.2 Limitation of Types of Construction. Type IV - Buildings or structures of Type IV construction having an area greater than seventy-five hundred square feet (7,500 sq. ft.) shall not be erected, constructed, moved within or into Fire Zone No. 2 and such buildings over one thousand square feet (1,000 sq. ft.) in area, erected, constructed, moved within or into Fire Zone No. 2 shall have all exterior walls of not less than one-hour fire-resistive construction; provided, that when such exterior walls are less than ten feet (10') from adjacent property lines or less than twenty feet (20') from buildings on the same property, the exterior walls shall be of not less than four-hour fire-resistive construction.

116.2.3 Limitation of Types of Construction. Type V - Buildings or structures of Type V construction erected, constructed, moved within or into the Secondary Fire Zone shall have all exterior walls of not less than one-hour fire-resistive construction and shall not exceed seventy-five hundred square feet (7,500 sq.ft.) in area; provided, that when such exterior walls are less than ten feet (10') from adjacent property lines or less than twenty feet (20') from buildings on the same property the exterior walls shall be of not less than four-hour fire-resistive construction. In all cases the roofs of such buildings shall be covered with a "Fire-Retardant" roofing.

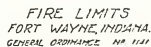
116.2.4 Alterations - No building of Type IV construction in excess of one thousand square feet (1,000 sq.ft.) in floor area nor any building of Type V construction except as specified in Subsection (b) already erected in the Secondary Fire Zone, shall hereafter be altered, enlarged, added to or moved except as follows:

1. Such building may be made to conform to the provisions of this Section-
2. Changes, alterations and repairs to the interior of such building or to the front thereof facing a public street may be made provided such changes do not, in the opinion of the Building Commissioner, increase the fire hazard of such building.
3. Roofs of such buildings may be covered only with a "Fire Retardant" roofing.
4. Combustible finish on the outside of walls may be replaced by, or covered with, exterior plaster.

116.2.5 Occupancies Prohibited - No Groups E occupancies, except garages, shall be permitted in the Secondary Fire Zone.

3 Fire Zone 3 - Any building or structure complying with the requirements of these rules and regulations may be erected, constructed, moved within or into Fire Zone 3.

Ed. Mensing - FPB



231 E. Berry Street
743-4774

- (c) To recommend to the Common Council not less frequently than annually such modifications of the requirements of this Code as the Board determines to be desirable on the basis of Approved Alternates or of recommendations submitted to or initiated by the Board.

- 115.4 Frequency of Meetings - The Board shall meet promptly to consider any appeal for Technical Variance, and shall meet at a regular time and place and at not greater than three-month intervals to consider other matters.
- 115.5 Quorum and Voting - A majority of the Board shall constitute a quorum. No members of the Board shall vote on any question in which he has a personal interest or a direct or close financial interest and it shall be the duty of each Board Member to disqualify himself on such a question. It shall be the further duty of each Board Member to inquire as to the personal or financial interest of any other Board Member with respect to any question before the Board.
- 115.6 Recorder - A member of the staff of the Building Commissioner shall act as recorder for all proceedings of Board meetings, and such person shall be entitled to supplementary compensation for such duties.

116 Fire Limits; Fire Districts

For the purpose of these rules and regulations, there is hereby declared to be and is hereby established a Fire District, and said Fire District shall contain Fire Zone 1 (Primary Fire Zone), Fire Zone 2 (Secondary Fire Zone), and Fire Zone 3.

Classification of all buildings by types of structures and general requirements are as outlined and defined in the "Building Rules and Regulations" of the Administrative Council of Indiana.

Restrictions for buildings located in more than one Fire Zone, moved buildings, and temporary buildings, are as outlined and defined in the "Building Rules and Regulations" of the Administrative Building Council of Indiana

- 116.1 Fire Zone 1 - The Primary Fire Zone of the City shall be all that territory in the area which is, or will be zoned, as "B-3A".

- 116.1.1 General - Buildings or structures hereafter erected, constructed, moved within or into Primary Fire Zone shall be only of Type I, II or limited Type III construction.
- 116.1.2 Limitation of Types of Construction - Type III - Buildings or structures of Type III construction hereafter erected shall have all walls and partitions and floor over usable spaces of not less than one hour fire resistive construction.
- 116.1.3 Openings - All openings in exterior walls within twenty (20) feet of adjacent property line or other buildings on the same property or within fifty (50) feet of the opposite side of the street or public place or in courts which are less than twenty (20) feet in the least dimension, shall be provided with doors or windows of one hour fire resistive construction.
- 116.1.4 Alterations - Any building or structure which is enlarged, altered, raised, repaired or built upon to an extent exceeding an expenditure within any five year period of twenty percent (20%) of the value of the building or structure shall be made to comply with all the requirements of a new building or structure erected in the Primary Fire Zone.

116.1.5 Occupancies Prohibited - No Group E occupancies, except garages, shall be permitted in the Primary Fire Zone.

116.2 Fire Zone 2 - The Secondary Fire Zone of the City shall be all that territory in the area which is, or will be zoned, as "B-1, B-2, B-3B, B-4, M-1, M-2, IA and R-3."

116.2.1 General - Buildings or structures hereafter erected, constructed, moved within or into the Secondary Fire Zone shall be of Type I, II, IV or limited Type IV or limited Type V construction, except that these restrictions do not apply to family dwellings or multiple family dwellings located in the area zoned R-3.

116.2.2 Limitation of Types of Construction, Type IV - Buildings or structures of Type IV construction having an area greater than seventy-five hundred square feet (7,500 sq. ft.) shall not be erected, constructed, moved within or into Fire Zone No. 2 and such buildings over one thousand square feet (1,000 sq. ft.) in area, erected, constructed, moved within or into Fire Zone No. 2 shall have all exterior walls of not less than one-hour fire-resistive construction; provided, that when such exterior walls are less than ten feet (10') from adjacent property lines or less than twenty feet (20') from buildings on the same property, the exterior walls shall be of not less than four-hour-fire-resistive construction.

116.2.3 Limitation of Types of Construction, Type V - Buildings or structures of Type V construction erected, constructed, moved within or into the Secondary Fire Zone shall have all exterior walls of not less than one-hour fire-resistive construction and shall not exceed seventy-five hundred square feet (7,500 sq.ft.) in area; provided, that when such exterior walls are less than ten feet (10') from adjacent property lines or less than twenty feet (20') from buildings on the same property the exterior walls shall be of not less than four-hour fire-resistive construction. In all cases the roofs of such buildings shall be covered with a "Fire-Retardant" roofing.

116.2.4 Alterations - No building of Type IV construction in excess of one thousand square feet (1,000 sq.ft.) in floor area nor any building of Type V construction except as specified in Subsection (b) already erected in the Secondary Fire Zone, shall hereafter be altered, enlarged, added to or moved except as follows:

1. Such building may be made to conform to the provisions of this Section.
2. Changes, alterations and repairs to the interior of such building or to the front thereof facing a public street may be made provided such changes do not, in the opinion of the Building Commissioner, increase the fire hazard of such building.
3. Roofs of such buildings may be covered only with a "Fire Retardant" roofing.
4. Combustible finish on the outside of walls may be replaced by, or covered with, exterior plaster.

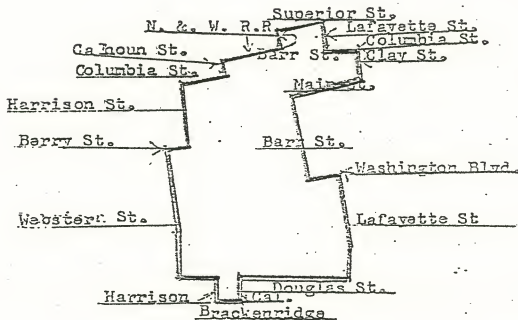
116.2.5 Occupancies Prohibited - No Groups E occupancies, except garages, shall be permitted in the Secondary Fire Zone.

16.3 Fire Zone 3 - Any building or structure complying with the requirements of these rules and regulations may be erected, constructed, moved within or into Fire Zone 3.

The Primary Fire Zone (downtown) of the City shall be all the territory in the area which is, or will be zoned, as "B-3A"

Below is an over-lay from Official City of Fort Wayne Zoning Map, approved by Common Council, Sept. 16, 1969, indicating General Business Area district B-3A.

N O R T H



Part IV

REQUIREMENTS BASED ON LOCATION IN FIRE ZONES

Chapter 16

RESTRICTIONS IN FIRE ZONES

General

Sec. 1601. (a) Fire Zones Defined. For the purpose of this Code, the entire city is hereby declared to be and is hereby established a Fire District and said Fire District shall be known and designated as Fire Zones No. 1, No. 2 and No. 3, and shall include such territory or portions of said City as outlined in an ordinance of said City, entitled: "An Ordinance Creating and Establishing Fire Zones." Whenever in this Code reference is made to any fire zone, it shall be construed to mean one of the fire zones created by said ordinance.

(b) Buildings Located in More than One Fire Zone. A building or structure which is located partly in one fire zone and partly in another shall be considered to be in the more highly restricted fire zone when more than one-third of its total floor area is located in such zone.

(c) Moved Buildings. Any building or structure moved within or into any fire zone shall be made to comply with all the requirements for new buildings in that fire zone.

(d) Temporary Structures. Regardless of type of construction, temporary buildings, reviewing stands and other miscellaneous structures conforming to the requirements of this Code, and sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected in Fire Zones No. 1 and No. 2 by special permit from the Building Official for a limited period of time, and such building or structure shall be completely removed upon expiration of the time limit stated in such permit.

(e) Center Lines of Streets. For the purpose of this Chapter, the center line of an adjoining street or alley may be considered an adjacent property line. Distance shall be measured at right angles to the street or alley.

Restrictions in Fire Zone No. 1

Sec. 1602. (a) General. Buildings or structures hereafter erected, constructed, moved within or into Fire Zone No. 1 shall be only of Type I, II-F.R., II, One-hour, III, One-hour, or IV construction and shall meet the requirements of this Section.

EXCEPTIONS: 1. Open parking garages may be of Type II-N construction as permitted by Section 1109.

2. Type II-N buildings not exceeding one story in height or 2500 square feet in area housing a Group B or M Occupancy may be erected in Fire Zone No. 1 provided any exterior wall located less than 20 feet from a property line is protected in accordance with Table No. 5-A and Section 2003 (a).

Roof coverings shall be fire retardant as specified in Section 3203 (e). See Section 104 (f) for repairs.

(b) **Alterations.** No building of Type II, One-hour or II-N construction in excess of 1000 square feet in floor area nor any building of Type V construction already erected in Fire Zone No. 1 shall hereafter be altered, raised, enlarged, added to or moved, except as follows:

1. Such Type II, One-hour or II-N building may be made to conform to all the provisions of Sections 1602 (a) and 2103.
2. Changes, alterations, and repairs to the interior of such building or to the front thereof facing a public street may be made, provided such changes do not, in the opinion of the Building Official, increase the fire hazard of such building.
3. Roof coverings shall be fire retardant as specified in Section 3203 (e). See Section 104 (f) for repairs.
4. Such building may be moved entirely outside the limits of Fire Zone No. 1.
5. Such building may be demolished.

(c) **Occupancies Prohibited.** No Group H, Division 2 Occupancy having a floor area exceeding 1500 square feet shall be permitted in Fire Zone No. 1.

No Group H, Division 1 or 5 Occupancies shall be permitted in Fire Zone No. 1.

EXCEPTION: This shall not apply to dry cleaning plants not using highly flammable liquids.

Restrictions in Fire Zone No.2

Sec. 1603. (a) General. Buildings or structures hereafter erected, constructed, moved within or into Fire Zone No. 2 shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section.

For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 504 and Part V. (For regulations covering open parking garages see Section 1109.)

Roof coverings shall be fire retardant as specified in Section 3203 (e). See Section 104 (f) for repairs.

(b) **Alterations.** No building of Type II, One-hour or II-N construction in excess of 1000 square feet in floor area nor any building of Type V construction already erected in Fire Zone No. 2, shall hereafter be altered, raised, enlarged, added to or moved except as follows:

1. Such building may be made to conform to the provisions of Section

2103 for Type II, One-hour or II-N and Section 2203 for Type V construction.

2. Changes, alterations, and repairs to the interior of such building or to the front thereof facing a public street may be made provided such changes do not, in the opinion of the Building Official, increase the fire hazard of such building.

3. Roof coverings shall be fire retardant as specified in Section 3203 (e). See Section 104 (f) for repairs.

4. Such building may be moved entirely outside the limits of Fire Zone No. 2.

5. Such building may be demolished.

6. Combustible finish on the outside of walls may be replaced by or covered with exterior plaster as specified in Chapter 47.

(c) **Occupancies Prohibited.** No Group H, Division 2 Occupancy having a floor area exceeding 1500 square feet shall be permitted in Fire Zone No. 2.

No Group H, Division 1 or 5 Occupancies shall be permitted in Fire Zone No. 2.

EXCEPTION: This shall not apply to dry cleaning plants not using highly flammable liquids.

Restrictions in Fire Zone No. 3

Sec. 1604. Any building or structure complying with the requirements of this Code may be erected, constructed or moved within or into Fire Zone No. 3.

(d) It is further recommended that Fire Zones No. 1 and/or No. 2 should include whole block areas wherever practical. Any area of commercial or industrial building use comprising two blocks is sufficient size to warrant establishment of the appropriate Fire Zone. Natural or physical features such as rivers, creeks, freeways, parks, streets and other areas where buildings are not anticipated should be employed as boundaries. Correlation with land use zoning may be desirable and is easily accomplished by requiring new commercial or industrial land use zoning to automatically become Fire Zone No. 2. Periodic review of fire zone boundaries is recommended to maintain adherence to the above described nationally recognized practices."

CHAPTER 16

Subsection 1601(a).

Delete subsection and insert in place thereof: "(a) Fire Zones Defined. For the purposes of this Code, the entire state is hereby declared to be and is hereby established a Fire District and said Fire District shall be known and designated as Fire Zones No. 1, No. 2 and No. 3. Establishment and maintenance of Fire Zones No. 1 and No. 2 shall remain within the authority of the individual cities, and it is herewith recommended that the guidelines therefor included in Section 1605 be followed in the interest of uniformity, but in the event of any city's failing to or choosing not to establish Fire Zones No. 1 and No. 2, then the total area not included in locally established Fire Zones shall remain as herein declared to be in Fire Zone No. 3."

Subsection 1601(d).

Additional sentence to read: "Regulation and control of temporary buildings and structures is left to the authority of the Local Building Commissioner, with plan review and such other service and cooperation as he may desire available through the Administrative Building Council."

Section 1605.

Add section to read: "The following recommendations set forth by the American Insurance Association are for the guidance of local cities desiring to achieve a degree of uniformity in their establishing and maintaining of Fire Zones No. 1 and/or No. 2.

(a) The purpose of fire zones is the protection of closely built commercial and industrial districts against the spreading of fire from building to building by supplementary restriction of construction in such fire zone.

(b) The recommended degree of closeness of buildings to warrant classification as Fire Zone No. 1 would include either: 50 percent of ground area covered with buildings of which 50 percent or more is devoted to commercial or industrial use; or 40 percent of ground area covered with buildings averaging at least 2½ stories in height and mostly engaged in commercial or industrial use.

(c) The recommended degree of closeness of buildings to warrant classification as Fire Zone No. 2 would include either: 25 percent of ground area covered with buildings of which 40 percent or more is devoted to commercial or industrial use; or a buffer district separating Fire Zone No. 1 from the outlying areas; or developing commercial or industrial areas.

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-79-09-16.DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Lots Numbered 1, 2, 3 and 6 Dreisbach's First
Addition to the City of Fort Wayne, subject to Legal Roads and Highway.EFFECT OF PASSAGE Property is now zoned B1B - Limited Business.Property will become B3B - General Business.EFFECT OF NON-PASSAGE Property will remain B1B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____